

Remarks

Claims 3-21 are now pending in this application. Applicants have amended claims 11, 14-16, 18, 20, and 21 to clarify the present invention. Claims 3-10 have been withdrawn as being directed to a non-elected invention. Applicants respectfully request favorable reconsideration of this application.

The Examiner rejects claims 11-21 under 35 U.S.C. § 102(b) as being anticipated by or under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,040,056 to Sager et al.

Sager et al. does not suggest the present invention as recited in claim 11 since, among other things, Sager et al. does not suggest a method that includes detecting a plurality of moving objects moving in a flow direction in an operation area and defining a transport direction at an angle to the flow direction. Sager et al. does not define both a flow direction and a transport direction. Rather, Sager et al. only suggests a flow direction of objects on a conveyor, as indicated by the arrow in Fig. 1 and as described at col. 2, lines 53-55. Sager et al. does not define a transport direction in addition to the flow direction.

It follows that if Sager et al. does not suggest defining a transport direction in addition to a flow direction, that Sager et al. does not suggest that the transport direction is at an angle to the flow direction. Furthermore, Sager et al. does not suggest defining a passageway along a transport direction. As recited in claim 11, once the passageway is defined, it is determined whether any of the other moving objects penetrates each passageway for each of the moving

objects.

The wedge-shaped devices suggested by Sager et al. merely passively move objects. Sager et al. does not suggest analyzing the objects and moving them in an orderly manner. The wedge-shaped objects do not define a passageway along a transport direction wherein the passageway is free from penetration of any other of the moving objects as recited in claim 11. In fact, rather than selecting an object from the moving objects for which the defined passageway is free from penetration of any other of the plurality of moving objects as recited in claim 11, Sager et al. actually includes the wedge-shaped devices to move the objects toward other objects to increase the density of objects. Additionally, the wedge-shaped objects move any object that the wedge-shaped object is in the path of. There is no selection of an object. Furthermore, after movement by the wedge-shaped object, the objects are still present among the objects flowing in the flow direction. Therefore, Sager et al. does not suggest defining such a passageway or such transportation along such a passageway and actually teaches away from the present invention.

The vision window suggested by Sager et al. does not define a transport direction at an angle to the flow direction nor a passageway along the transport direction. If the wedge-shaped devices were considered to create a passageway, it would be behind the wedge-shaped devices further along the flow direction. The objects do not move in the "passageway" asserted by the Examiner to be created. Rather, after the objects pass the wedge-shaped devices, the objects are still moving in the flow direction.

Additionally, Sager et al. is not suggesting creating a passageway for an individual object

and then moving a selected object in the defined passageway along the transport direction for transport to the predetermined location. Sager et al. only suggests defining a plurality of vision windows in an area on a conveyor belt on which objects are arranged. Sager et al. suggests then determining whether an optimum number of objects is arranged within the vision windows. Sager et al. looks for articles that may be arranged in another vision window or partial objects, both of which are ignored. The vision window is not a passage way or a transport direction.

Furthermore, Sager et al. does not suggest moving objects along a passageway without disturbing other objects. Whether or not Sager et al. could be modified to circulate objects through a conveying path, such would not suggest the other aspects of the invention not suggested by Sager et al.

In view of the above, the reference relied upon in the office action does not suggest patentable features of the present invention. Therefore, the reference relied upon in the office action does not make the present invention obvious. Accordingly, Applicants respectfully request withdrawal of the rejection based upon the cited reference.

In conclusion, Applicants respectfully request favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would advance the prosecution of this application, Applicants respectfully urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: 1/17/08

A handwritten signature in black ink, appearing to read "Eric J. Franklin", written over a horizontal line.

Eric J. Franklin, Reg. No. 37,134
Attorney for Applicants
Venable LLP
575 Seventh Street, NW
Washington, DC 20004
Telephone: 202-344-4936
Facsimile: 202-344-8300